

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

155th Legislative Day

11/9/2004

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PRESIDING OFFICER: (SENATOR HALVORSON)

The regular Session of the 93rd General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the galleries please rise? The invocation today will be given by Pastor Jonathan Grubbs of First Church of God in Springfield.

PASTOR JONATHAN GRUBBS:

(Prayer by Pastor Jonathan Grubbs)

PRESIDING OFFICER: (SENATOR HALVORSON)

Please remain standing for the Pledge, and if I could ask Senator Geo-Karis to lead us in the Pledge of Allegiance.

SENATOR GEO-KARIS:

(Pledge of Allegiance, led by Senator Geo-Karis)

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. Senator Burzynski. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Madam President. We'd like to request a Republican Caucus immediately in Senator Watson's Office.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator. That is always in order. The Senate will stand at -- in recess at the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

The Senate will come to order. Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Senate Journal of Monday, November 8, 2004.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine.

SENATOR HAINE:

Yes, Madam President. I move that the Journal just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Senator Haine moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR GEO-KARIS:

Well, I'm delighted to introduce here today one of my neighbors and the former County Board Chairman of Lake County, James LaBelle, who is the Deputy Director of the Chicago Metropolis. He's right here, sitting next to me. Jimmy, stand up and take a bow.

PRESIDING OFFICER: (SENATOR HALVORSON)

Please rise and be welcomed.

SENATOR GEO-KARIS:

You're now in the record.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

A point of personal privilege. Thank you, Madam President. I'd like to introduce Michelle and Jeff Jennings and their parents, Craig and Martha Jennings, who are in the gallery. Like to welcome them to the Illinois State Senate.

PRESIDING OFFICER: (SENATOR HALVORSON)

Will our guests in the gallery please rise? Welcome to Springfield. Senator Roskam, for what purpose do you rise?

SENATOR ROSKAM:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR ROSKAM:

Madam President, I've got five charming and good-looking Pages here today from the tranquil suburbs: Michael Frank, Ryan, Matt, Jordan and Brandon Richert are all here, and their parents are behind you, Madam Chairman, in the President's Gallery.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Welcome to Springfield. Will our guests in the gallery please rise? Welcome to Springfield. Senator Sullivan, for what purpose do you rise?

SENATOR D. SULLIVAN:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR D. SULLIVAN:

Ladies and Gentlemen of the Senate, I think we should all recognize, one of our colleagues was just bestowed a distinguished honor from Crain's Chicago Business. Don Harmon was recognized as one of the top "40 Under 40" from Crain's Chicago Business.

PRESIDING OFFICER: (SENATOR HALVORSON)

Congratulations, Senator Harmon. Senator Althoff, for what purpose do you rise?

SENATOR ALTHOFF:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR ALTHOFF:

I would like to introduce my Pages of the day. I have Jason Bennett and Tina Bellamy from my district. If the Chambers would welcome them.

PRESIDING OFFICER: (SENATOR HALVORSON)

Welcome to Springfield. Senator Luechtefeld, for what purpose do you rise?

SENATOR LUECHTEFELD:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR LUECHTEFELD:

I have two Pages today from my district. I'd like to welcome them: Carrie Emge and Jac Lintzenich. If you'd welcome them, I'd appreciate it. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Welcome to Springfield. Hopefully everybody is on the Floor because we actually are going to do some business today.

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So, please come to the Floor if you're not already here. Madam Secretary, Messages.

SECRETARY HAWKER:

A Message from the House by Mr. Mahoney, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 520, together with House Amendments 1 and 2.

Passed the House, as amended, November 9, 2004.

I have like Messages with respect to Senate Bill 1641, with House Amendment 1; and Senate Bill 3368, with House Amendment 1. All passed the House, as amended, November 9, 2004.

A Message from the House by Mr. Mahoney, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 3367, together with House Amendment 1.

Passed the House, as amended, November 8, 2004.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Motions.

SECRETARY HAWKER:

I have a veto message -- motion, filed by Senator Forby.

PRESIDING OFFICER: (SENATOR HALVORSON)

The motion will be placed on the Calendar. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 718, offered by Senator Collins.

Senate Resolution 718 {sic} (719), offered by Senator Collins, as well, and all Members.

Senate Resolutions 720 through 727, all offered by Senator Lauzen and all Members.

They're all death resolutions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Resolutions Consent Calendar.

SECRETARY HAWKER:

And Senate Resolution 728, offered by Senator Cullerton.

Senate Resolution 729, offered by Senator Cullerton.

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Senate Joint Resolution 89 {sic} (90), offered by President Jones, Senator Watson and all Members.

They're all substantive.

PRESIDING OFFICER: (SENATOR HALVORSON)

Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 3393, offered by Senator Burzynski.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Okay. If everybody could turn their Calendar to page 3, we will be going to Motions in Writing to Override Total Vetoes. So, all Members within the sound of my voice, please come to the Floor. We will be going to Motions in Writing to Override Total Vetoes. On page 3 of the Calendar is the Order of Motions in Writing to Override the Total Veto of the Governor. Senator Petka, on Senate Bill 2165, do you wish to proceed? Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move that Senate Bill 2165 do pass, notwithstanding the veto of the Governor.

Motion filed by Senator Petka.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Petka, to explain.

SENATOR PETKA:

Thank you very much, Madam President and Members of our august Body. Senate Bill 2165 passed this Chamber with 41 votes back in May. What this legislation does is provide to that unfortunate homeowner who has been -- who may be the victim of a violent crime the opportunity to assert an affirmative defense to a local ordinance which may prohibit the possession of a firearm within the home. Now, this legislation was the subject of rather extensive debate not only on the Senate Floor, but also in the Senate Judiciary Committee. I'd like to outline just a few of the high points of that debate.

PRESIDING OFFICER: (SENATOR HALVORSON)

Excuse me, Senator Petka. We cannot hear what's going on. Please. Go ahead.

SENATOR PETKA:

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Thank you very much, Madam President. The -- some of the points that were discussed at some length, not only in this Chamber but also in the Judiciary Committee, dealt with the application of the affirmative defense. First of all, any of the home rule communities still retain the power to charge should they see fit. What this affirmative defense is, is basically a transfer from the -- the criminal law, which is currently in the criminal law, into this provision which would allow a person who is charged with an offense to assert that he acted in self-defense. The person must plead it. The person must prove it to the satisfaction of either a judge or a jury. If he does that, he may be exonerated. If he doesn't, he will be convicted. The reason that this legislation is particularly important, in my estimation, is that it deals with a very basic and fundamental, some may -- may refer to it as an inalienable right; that is, the right of self-preservation, the right to self-protect. And it seems to me that no government has the -- has any authority to remove that right. The opponents in this legislation maintain that this is a -- some form of an expansion of -- of granting of rights to people with firearms. Actually, it -- all this does is to place into statute a narrow exception which permits a homeowner the opportunity not to be victimized twice; that is, by a violent home invader or aggressor, and to be charged afterwards for having a firearm. To me, it's a commonsense piece of legislation. I'm sure it is supported throughout this State, and I would urge that this General Assembly override the veto of the Governor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator...

SENATOR PETKA:

I will...

PRESIDING OFFICER: (SENATOR HALVORSON)

I'm sorry. Senator Petka moves that Senate Bill 2165 do pass, notwithstanding the total veto of the Governor. Is there any discussion? Senator Harmon.

SENATOR HARMON:

Thank you, Madam President. Appreciate -- to the -- to the motion, please. I did vote against this bill when it was in the Judiciary Committee and on the Floor in the Senate because I

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thought it was unnecessary. I was doing some reading over the summer though, and I thought I would share a few facts with the -- with the Body. This bill comes out of the unfortunate case of Hale DeMar, the Wilmette homeowner who shot the home invader, and it was an awful case. But some facts that weren't in front of us in the spring have come to light over the summer when the police report was unveiled, and I just want to share some of these facts from the -- from the Chicago Tribune. "It appears that it wasn't necessary for him to shoot the unarmed intruder to defend himself and his children, as he claimed, and that he all but welcomed the confrontation in his home. He did not change and install new locks on his doors, for example, even though he had discovered the night before the same burglar had broken in and stolen a set of house keys. Several area locksmiths said that such emergency service would be standard, but he chose not to do it. That night, instead of exercising those remedies, he chose to put his children in bed with him and a thirty-eight caliber gun underneath the bed. The home security alarm went off at 10:30. He did not call the police. Instead, he went downstairs with the gun, leaving his children undefended in the bedroom. He stumbled upon the intruder in the family room, and before saying anything to him, he shot at him twice, striking him once. As the intruder attempted to leave the home, he blocked the intruder's exit to keep him in the home. DeMar stated that he wanted the intruder out of his house, according to the official report, but his failure to call the police, his 'shoot first' approach and his movements blocking the intruder's way out of the rear and front doors tell a different story, the story of a suburban cowboy." This is an awful story no matter how you slice it, but for us to be changing State law to defend someone who chose not to call the police and to exercise his right to vigilante justice instead seems like a strange case when we're trying to protect our citizens with very small municipal fines for violating the -- the code. I would urge against support of the motion.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

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Madam President and Ladies and Gentlemen of the Senate, it seems to me that when you are confronted with someone breaking in your house, you're not going to think right away, "Call the police," and all that. You're trying to protect the family that's in that house. I think this is a good bill, and I move for the override of the veto.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Haine.

SENATOR HAINE:

Madam President, Ladies and Gentlemen of the Senate, to the bill. It has been a hallmark of our constitutional system that one has a right to defend -- one's home and family. This -- this custom, this hallmark, flows directly from the English Common Law where it was said that no matter how humble a person's home is, the King of England may not enter the threshold without permission of the homeowner. Implied in that is a right to defend - a right to defend. Municipalities are creatures of the General Assembly and the State. We are not imposing anything on a municipality. We are freeing citizens and allowing them to exercise this historic, ancient right of all Americans to defend one's home and hearth. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Madam President. As the duly elected Senator of the Village of Wilmette, which is the -- which is the only case where we're going to change -- the entire State law because of something that happened in my community, I rise against the gentleman's motion. Setting aside the fact that many of us, at one time or another, have taken exception to colleagues interceding within our own communities to tell us how we should be conducting our affairs locally within those communities, with all due -- and with all due respect to the previous speaker who does not want to impose upon municipalities, I would argue that what this does is precisely impose upon municipalities their capacity to have stronger gun laws and ordinances than what currently exists on a statewide basis. The Village of Wilmette, several years ago, took the formal position that if there were

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going to be efforts made to dilute their local prerogative to have stronger gun laws, that they, in fact, would, indeed, challenge the constitutionality of that. They haven't run over -- they haven't made it over to court in Cook County, but Mr. DeMar has. Mr. DeMar unsuccessfully tried to argue -- taking advantage of his newfound celebrity, Mr. DeMar tried to argue that his right to privacy was being violated, that that fundamental constitutional right to privacy that former Justice Brandeis spoke so eloquently of and which guides so many of our laws today, that that right to privacy was being violated by Wilmette's local ordinance to prohibit him having a handgun. The courts rightfully ruled that he was in error, and I think we, too, would be in error if we were to accept the gentleman's motion. It is not as simple and elegant as the gentleman suggests that it is. Why do we have to change an entire state's laws, particularly for communities who wish to have stronger laws? Why do we -- why do we wish to eliminate their local prerogative to do that? The existing system worked. As Mr. Harmon pointed out, the facts in the case, as they've become clearer over time within the police report, shed a great deal of further doubt as to why we should be changing an entire State law over one case, one case that really is seeking to weaken and establish a foothold in diluting local control over stronger gun laws. I say we should embrace local control if that's their prerogative. And on behalf of the Village of Wilmette, I argue and urge a -- a No vote against the gentleman's motion.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid.

SENATOR SHADID:

Thank you -- thank you -- thank you -- thank you very much, Madam President. I rise in strong support of this legislation for many reasons, but the main one is, I think, in our country, everyone - I don't care where they live - should have the right to defend their home and their family. Whenever you have a hoodlum who wants to come into your home, break into it, if you're home or not, and especially if you are home, those are the most dangerous kinds of burglaries, are the home burglaries, and it's very traumatic for families who have had their homes broken into. They very seldom get over it very easily. So I

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stand in strong support, that maybe this will send a message throughout the State of Illinois that you're not going to break into someone's home without some -- repercussion and you might lose your life. So I stand strongly in support.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Petka, to close.

SENATOR PETKA:

Thank you again, Madam President, and as you can see, this issue does evoke a certain amount of passion. However, like to comment briefly on -- on my distinguished colleague's remarks in citing the Chicago Tribune. What they are suggesting is that when a person is a victim of an armed intruder coming into their home, that they should immediately, after calling the police, run out and get a hold of a locksmith to make sure that they're not going to be victimized again. Really, if you -- if you think about that, it is the -- the height - the height - of dependence upon a government to do something that is an inalienable right. It's a part of the way that we were constituted, the right to self-preserve. An individual is merely exercising that right, an instinctive right that a person has, in protecting not only himself, but in Mr. DeMar's case, members of his family who may have been victimized by a -- an intruder the second night in a row. Why should we victimize a person twice? The fact that he was even subject to a possible prosecution is something that is not only regrettable but in -- from -- from my way of thinking, is something that should not occur. But since we're not about to change those gun laws, what I suggested was that an individual at least have a fighting chance to walk into a court of law and say, "Look, I may have violated the law; however, because I was acting in self-defense, I have the opportunity, at least, to make that case to a judge or a jury." That -- I would -- that person would be given the opportunity, as Senator Haine so eloquently pointed out, to exercise something that has been known as a right since the advent of the Common Law, the right to defend not only himself, but members of his families and his personal effects and in his home. And it's for that reason, Madam President, Members of the Senate, I ask you, in most urgent terms, to override the Governor's veto.

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PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall the Senate pass Senate Bill 2165, notwithstanding the total veto of the Governor. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 Yeas, 18 Nays, none voting Present. And Senate Bill 2165, having received the required three-fifths majority, is declared passed, notwithstanding the veto of the Governor. Senate Bill 2196. Senator Garrett. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move -- I move that Senate Bill 2196 do pass, notwithstanding the veto of the Governor.

Motion filed by Senator Garrett.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett, to explain.

SENATOR GARRETT:

Thank you, Madam Chairwoman. Senate Bill 2900 really is just an amendatory veto to change the date on this particular legislation. The study will not be completed, obviously, in September of 2004, but to change it to January of 2005. That really is a minor change, and hopefully we will be able to agree and accept this amendatory veto.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett moves that Senate Bill 2196 do pass, notwithstanding the total veto of the Governor. Is there any discussion? Okay. Senator Garrett, you need to go back and explain Senate Bill 2196.

SENATOR GARRETT:

Okay. Senate Bill 2196 was vetoed by the Governor because obviously he was not in agreement with putting forth any type of a tax increase. However, this bill is very, very necessary. It establishes watershed management councils that will, in fact, be responsible for developing a stormwater management plan for Cook County. Currently, Cook County, the largest county in the State, does not have any stormwater management plan in place. Surrounding northern Illinois counties do. So, when we have floods, when we have water issues, Cook County is basically left out of the fold, and because of this, we are paying about two

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hundred and eleven million dollars annually on flood damage. This particular bill would make sure that we put preventative measures in place and prevent this from happening. It is critical for many reasons not just specific to stormwater management, but to make sure that we have wetlands protection and that our water protection issues are taken care of. The bill is also supported by the City of Chicago, the Northwest Municipal Conference, the Southwest Municipal Conference, the West Central Municipal Conference, the Cook County Board of Commissioners and the Metropolitan Water Reclamation District, as well as the Lake County Stormwater District. So, I'd be happy to answer any questions, but that is, in effect, where we are on this.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett moves that Senate Bill 2196 do pass, notwithstanding the total veto of the Governor. Is there any discussion? Senator Sullivan.

SENATOR D. SULLIVAN:

Thank you, Madam President. I rise in strong support of this legislation, and I urge my colleagues to join this bipartisan effort that passed us the first time. We need to address the flooding issue in Cook County. Senator Garrett and I, this past spring, took a helicopter ride with the Governor over the flooding in Cook and Lake counties. It's amazing to me that after the Governor personally witnessed the devastation of that flooding, that he then came and vetoed this bill. This needs to happen. We need the expertise of the Metropolitan Water Reclamation District to take care of the flooding problems that literally cost hundreds of millions of dollars every year in flooding problems for our constituents and the municipalities in our districts. They need the help. This bill will save those towns money, it will save those residents money in the direct impact of flooding, but it'll also reduce their future flood insurance rates. It's a win-win for everyone. We need to pass this bill. I urge your support. And I'd like to add, Senator Garrett mentioned a long list of supporters. In addition to that are the Local 150, the Operating Engineers, also support this. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Senator Viverito.

SENATOR VIVERITO:

I rise, as well, in favor and I'd like to commend the sponsor of this particular bill. I spent six years at the Water Reclamation District. I know of no entity that has more professionalism than the Water Reclamation District, and I would encourage you to vote for it. We definitely need it, and they're the only ones capable enough to solve the problem.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. A couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR LAUZEN:

Thank you. This -- Senator, this is an exception to the property tax cap, something that's very important protection against higher property taxes in all of our districts. Can you tell us what the total amount of property taxes that are assessed in Cook County is, roughly?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

Senator Lauzen, this bill is specific only to Cook County. The levy would be five cents on a hundred dollars of assessed value. So it would be about seventeen dollars and fifty cents for a hundred-thousand-dollar home, and then double it for a two-hundred-thousand-dollar home. And I -- I also want to add that while we have talked about this legislation here in Springfield, we have held many meetings throughout the district and have had time to let taxpayers weigh in on this, and I don't think I've received one negative phone call or letter. The taxpayers are really crying out to see this kind of legislation take place, because, quite frankly, it costs them more to not have these kinds of protections. If they, in fact, were -- if they had to pay an extra twenty-six dollars a year, they will get reductions in their -- their flood insurance. So, there are many cost benefits to this legislation.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you. I'm sorry. Senator, I think you missed my question. My question was, what is the total annual amount of property tax assessed in Cook County, or approximately, to the nearest hundred million?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

I -- I can't answer that accurately right now.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sandoval. Excuse me, Senator Sandoval. Senator Lauzen. Wrap it up, please.

SENATOR LAUZEN:

Thank you, Mr. -- Madam President. The concern is, if there's a long answer, then I had three questions and the first one is not answered. I guess to summarize, the point would be, with the hundreds and hundreds of millions of dollars that's spent in property taxes now by property tax -- or, property taxpayers in Cook County, why would this important function not be covered under what people are paying now and complaining about now? And I -- I assume that this is a very important need and the organization is a very reputable organization, but why would we not have the ability to ask the voters in referendum, which is what the tax cap tells us to do, just ask their permission for this important function? Why would we not do either of those two things?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett.

SENATOR GARRETT:

Well, you know, I -- I -- I suppose we could have a referendum on every piece of legislation that we bring before the General Assembly, but in this case, we have made the decision after holding hearings and meetings on this that there was more agreement with this bill than disagreement. So, there wasn't really the need to put it on the ballot. And as I listed the different entities that were in support of this, I think it covers the entire region of Cook County when it comes to --

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representation of taxpayers and municipalities. So, you know, maybe we should go out and do referendums, but in this particular case, I think the need is so strong and so obvious that we are doing this legislatively.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Madam President. As I -- before I proceed in commenting on the bill, I'd like to acknowledge the presence of the -- the president and some of the -- some of my former colleagues from the Metropolitan Water Reclamation District. The President, the Honorable Terrence O'Brien; Commissioner Majewski, Commissioner Santos, Commissioner Avila, along with their Superintendent, Jack Farnan, is with us here today. So, I'd like to welcome them to Springfield.

PRESIDING OFFICER: (SENATOR HALVORSON)

Will our guests in the gallery please rise? Welcome to Springfield.

SENATOR SANDOVAL:

Ladies and Gentlemen of the Senate, I stand in support of overriding the Governor's veto on Senate Bill 2196, and I commend the Senate sponsor, my colleague, Susan Garrett, on her work and efforts and leadership on this bill. It is ironic today that we stand here to override the Governor's veto of this historic piece of legislation. There is -- as Senator Sullivan earlier indicated, when parts of the Des Plaines -- parts of the Des Plaines River flooded earlier this year, it was the Governor who -- who rode in a helicopter overseeing the flooded areas of Cook County, and he is -- it was the Governor who urged legislation like Senate Bill 2196, and then we saw him veto this piece of legislation. It is a disgrace and a farce to the voters and the taxpayers of Cook County. I see no better body of government to manage stormwater management than the Metropolitan Water Reclamation District who has a long history of providing efficient, professional, and the best technical leadership when it comes to stormwater management, when it comes to pollution control, and their history of sponsoring local flood control projects in the County of Cook. I know no other greater body of government to hand over this responsibility of

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flood control, stormwater management, in the County of Cook. I -- I ask for a favorable vote to protect the taxpayers of Cook County. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Garrett, to close.

SENATOR GARRETT:

Thank you, Madam President, Ladies and Gentlemen. I just would like to close and say two things. I think it's a fundamental responsibility of government to make sure that we do these kinds of things, that we make sure that all residents have clean water, that we protect against flooding, that we work with other counties and municipalities to make sure this happens. So, I hope that translates into a positive vote, because this is one of the reasons why I think we are here today. Secondly, I would say that we do need thirty-six votes, and I know that some of you are skeptical about tax issues. I always consider myself a target. I just came through a campaign. Fortunately, this issue didn't come up and I voted for it last time. So, again, I think it's a very important issue. When you see that it gets to thirty-six, please don't take your name off. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall the Senate pass Senate Bill 2196, notwithstanding the total veto of the Governor. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 39 Ayes, 17 Nays, none voting Present. And Senate Bill 2196, having received the required three-fifths majority, is declared passed, notwithstanding the veto of the Governor. Charles Osgood of the Chicago Tribune requests leave to take photographs. Leave is granted. Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

Purposes of an introduction. I'd ask the -- my colleagues in the Chamber to help me welcome two constituents: Natalie Rosseau and her mom, Dr. Gail Rosseau. Please help me join them -- welcome them to Springfield.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Welcome to Springfield. On the bottom of page 3, Senate Bill 2272. Senator Jacobs, do you wish to proceed? Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that Senate Bill 2272 do pass, notwithstanding the veto of the Governor.

Motion filed by Senator Jacobs.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs, to explain.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Whenever the Governor vetoed Senate Bill 2272, he said that he recognized off-highway vehicle enthusiasts desire expansion of recreational trails; this legislation could expose State-owned lands, including State parks, to potential trail development. More appropriate sites for off-highway vehicles use should be found that do not infringe on the national -- on the shared natural resources. In the bill -- I don't know quite what the Governor was saying, because in the bill, the Director of the Department of Natural Resources determines that such an allocation would not allow adequate funding for the protection of public safety or natural resources, at that point he could deny it. The last I looked, the Director of -- of -- of Natural Resources is appointed by the Governor, so I think that if he has a concern of where these trails may go, he has a lot of authority. I -- I just think that the Governor's reasoning is wrong. I think it's a bill that we should definitely override. And be ready to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs moves that Senate Bill 2272 do pass, notwithstanding the total veto of the Governor. Is there any discussion? Seeing none, the question is, shall the Senate pass Senate Bill 2272, notwithstanding the total veto of the Governor. All those in favor will say Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 Yeas, 14 Nays, 1 voting Present. And Senate Bill 2272, having received the required three-fifths majority, is declared passed, notwithstanding the veto of the

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Governor. Top of page 4, Motions in Writing to Override Total Vetoes. Senate Bill 2273. Senator Forby, do you wish to proceed? Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that Senate Bill 2273 do pass, notwithstanding the veto of the Governor.

Motion filed by Senator Forby.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Forby, to explain.

SENATOR FORBY:

Thank you, Madam President. I want to override the Governor's veto on Senate Bill 2273 on off-highway vehicles. This is a fund that they come out of funds where they pay it when they buy their equipments. Their -- and the funds from the fines that repairs the problems that off -- off-trail vehicles see. So I'm wanting to ask for ninety-two percent of this money go back in to this fund so they can repair all those. This bill been run three times now. In the House, it got over ninety votes all three times. In the Senate, it's got over forty votes in the Senate here three times. So, I would ask for an override on this bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Forby moves that Senate Bill 2273 do pass, notwithstanding the total veto of the Governor. Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Madam President, Members of the Senate. With all due respect to my colleague, first of all I want to -- congratulate you on your reelection and then speak against your bill, if I could. The -- this bill, of course, is -- is the -- is opposed by the Department of Natural Resources. The way -- and the Sierra Club. The way they read this bill is that it works against public safety and protecting our public lands because it limits eight -- to eight percent of the fund the amount that they can use on -- on enforcement. So, currently, the -- the Department of Natural Resources only has one conservation police officer for the entire State from this fund, and we already have illegal incursions on State lands. There's already fatalities from that happening, and the laws need to be

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enforced, but this is going the other way. So, it makes no sense to open public lands to ATVs while restricting the Department of Natural Resources' ability to enforce the rules. That's why I'm opposed to it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Senator Forby, to close.

SENATOR FORBY:

This is a good bill. What my colleague said while ago, and I don't think he voted for me, but I'm not sure. But anyway, there's only two percent of this money that DNR's using. So, about thirty some odd percent of this money is here in a pot and nobody's using it. So, I would like to see this money used to take care of the ATVs and the parks. So I think this is going to be a good bill for everybody. I just ask for a -- a Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall the Senate pass Senate Bill 2273, notwithstanding the total veto of the Governor. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 35 Yeas, 18 Nays, none voting Present. And the motion fails. Senator Shadid, on Senate Bill 2374. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that Senate Bill 2374 do pass, notwithstanding the veto of the Governor.

Motion filed by Senator Shadid.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid, to explain the motion.

SENATOR SHADID:

Thank you, Madam President. Senate Bill 2374 adopts a -- a uniform speed limit for cars and trucks on rural interstate and limited-access highways in Illinois. Chicago, Cook County, DuPage County and portions of Peoria, Vermillion, Lake, Will, Madison and St. Clair counties are not affected and will remain at fifty-five mile an hour for all vehicles. Research recently conducted for the AAA Foundation for Traffic Safety found that in those states which have uniform speed limit, there was no increase in the accident rate. Forty other -- states currently

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have the uniform speed limit. This bill would make Illinois the forty-first State to acquire it. Research conducted for the State of Virginia, which is the most recent state to adopt uniform speed limits, showed no increase in the accident rate involving trucks. I'll be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid moves that Senate Bill 2374 do pass, notwithstanding the total veto of the Governor. Is there any discussion? Senator Risinger.

SENATOR RISINGER:

Thank you, Madam President. I rise in support of -- of the override of the Governor's veto because forty states have adopted uniform speeds, and it's a known fact that when you have uniform speeds, you have less accidents. This bill has been long coming. We've passed it before. The Governor has vetoed it before, but the information that has been put forth by the AAA to say that the -- there will be more accidents or the -- the accidents will be more detrimental to Illinois motorists, the information they have put forward has to do with rural two-lane highways and not with rural interstate highways. I urge the passage of this bill. I think it is a safety bill and I think it's one that's long overdue.

PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR LUECHTEFELD:

Senator, I find, in driving here to Springfield in particular, that most trucks are probably driving around sixty-five right now on the interstate, and it appears that that's been okay. If we move this to sixty-five, will they drive seventy-five, do you think? Or has there been some sort of an agreement that this should be enforced?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid.

SENATOR SHADID:

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Senator -- Senator, I don't think I can guarantee you that the cars are going to stay driving sixty-five, which they aren't doing now, and I can't guarantee you the trucks are going to drive sixty-five, which, if they're doing that now and they're not being ticketed, then let's give them a chance to drive sixty-five without being ticketed.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, I've seen some statistics, basically, dealing with the -- the faster that the vehicle travels, even though sometimes there may be less accidents, that those accidents that occur will be much more deadly. And I've seen a lot of that -- that kind of statistic. Have you too checked on that?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid.

SENATOR SHADID:

I can only tell you what I said about the research, that there was no increase in the accident rate in these states that have the same speed limit for cars and trucks. So, it's -- it's not -- from all I -- information I have, the forty states that already have this are not having a big rash of injuries and people being killed any more than Illinois is.

PRESIDING OFFICER: (SENATOR HALVORSON)

Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, it's true if we let the trucks drive sixty-five miles per hour, they will. Now, if they go over that, we have police in various municipalities on the roads and the State Troopers, then they can pick up those trucks that go past sixty-five miles an hour. I think it's only fair to do it and get it over with. They're going to do it anyway, but at least we can hold 'em to the fire if they exceed it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid, to close.

SENATOR SHADID:

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Yes. I want to thank Senator Geo-Karis for answering the question much better than I did. Thank you, Senator. Yes, and I would like the Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall the Senate pass Senate Bill 2374, notwithstanding the total veto of the Governor. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 41 Yeas, 17 Nays, none voting Present. And Senate Bill 2374, having received the required three-fifths majority, is declared passed, notwithstanding the veto of the Governor. Senator Burzynski, on 2460. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that Senate Bill 2460 do pass, notwithstanding the veto of the Governor.

Motion filed by Senator Burzynski.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski, to explain your motion.

SENATOR BURZYNSKI:

Thank you, Madam President. I'm asking the Chamber to override the veto of the Governor on the Native American Gaming Act. The Governor indicated in his veto message that he found the current and historical balance of powers between the Legislature to be sufficient when it comes to negotiating Indian gaming in the State of Illinois; however, there is no history or procedural -- precedence to follow. And so I'm asking for an override so that the Legislature might have some input into this process. As we see now, we have gaming bills that are being proposed all throughout the General Assembly and certainly I think that we have a -- due diligence to be a part of any process in the State of Illinois. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any -- Senator Burzynski moves that Senate Bill -- no, 2460 do pass, notwithstanding the total veto of the Governor. Is there any discussion? Senator Sullivan.

SENATOR D. SULLIVAN:

Thank you, Madam President. Question of the sponsor.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR D. SULLIVAN:

Senator, is -- is there any part of this legislation that calls for a gambling facility in the City of Chicago, and if there's not, do you plan on calling one later tonight?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you -- thank you for that question, Senator Sullivan. Absolutely not. I don't intend on calling for one and there's nothing in this legislation that addresses that particular issue. That happens to be someone else's issue. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski, do you wish to close?

SENATOR BURZYNSKI:

Thank you, Madam President. I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall the Senate pass Senate Bill 2460, notwithstanding the total veto of the Governor. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Yeas, 4 voting Nay, none voting Present. And Senate Bill 2460, having received the required three-fifths majority, is declared passed, notwithstanding the veto of the Governor. Senator Jacobs, on 2525. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that Senate Bill 2525 do pass, notwithstanding the veto of the Governor.

Motion filed by Senator Jacobs.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs, to explain.

SENATOR JACOBS:

Madam President, I've been asked to take this bill out of the record for today, with the promise that it will be brought back at a later date.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Thank you, Senator. Out of the record. Senator Trotter, on 2847. Madam Secretary, Motions.

SECRETARY HAWKER:

I do have a motion with respect to Senate Bill 2273, filed by Senator Forby.

PRESIDING OFFICER: (SENATOR HALVORSON)

That will be reflected on tomorrow's Calendar. With leave of the Body, we will return to 2847. Senator Trotter, do you wish to proceed? Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that Senate Bill 2847 do pass, notwithstanding the veto of the Governor.

Motion filed by Senator Trotter.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Trotter, to explain.

SENATOR TROTTER:

Excuse me, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Trotter.

SENATOR TROTTER:

Yes. I'm willing to proceed, please.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that Senate Bill 2847 do pass, notwithstanding the veto of the Governor.

Motion filed by Senator Trotter.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Trotter, to explain.

SENATOR TROTTER:

Thank you very much, Madam President, Members of the Senate. As you may recall, this bill dealt with prior authorization on insulin. It prohibited the DPA from creating any formulary limits on, or restricting by any prior authorization requirement, any insulin -- prescription drug as prescribed and deemed medically necessary for the treatment of diabetes. The bill was vetoed by the Governor. What they're saying is, they asserted that the -- to exempt insulin from the Medicaid drug formulary had its limitations, and he stated those

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limitations are there to prevent fraud and abuse in the Medicaid program. The drug -- this insulin drug that we are -- we are voting on today, in every other state, forty-eight states in this country, there are no limits on the reimbursements for those insulins. We know that diabetes is one of the leading causes for blindness and obesity. The cost savings will be phenomenal. They're looking at a cost savings of a good two billion dollars just in preventing those -- those other illnesses that are associated with diabetes, and I would like to see the Governor's veto overridden today.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Trotter moves that Senate Bill 2847 do pass, notwithstanding the total veto of the Governor. Is there any discussion? Senator Hendon, in the Chair.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of Senator Trotter's motion to override. Diabetes is a disease which I have intimate contact with. My wife of twenty-four years has suffered as a diabetic since the age of nineteen. She currently uses three different insulin formulations. It's a self-managed disease, a lifelong condition that people live with, and until the -- the Department can provide persuasive evidence that diabetics will get access to all of the kind of insulins and -- and disease-management drugs they need, I just don't think this is one where the small potential savings justifies the potential cost to the residents of Illinois. I rise in enthusiastic support of Senator Trotter's motion.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter moves that Senate Bill 2847 -- the question is, shall the Senate pass Senate Bill 2847, notwithstanding the total veto of the Governor. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 voting Aye, 4 voting Nay, none voting Present. And Senate Bill 2847, having received the required three-fifths majority, is declared passed,

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notwithstanding the veto of the Governor. The Rules Committee will meet immediately in the President's -- in the President's Anteroom. Senator del Valle, for what purpose do you rise?

SENATOR DEL VALLE:

Thank you, Mr. President. For purposes of an announcement. The Senate Education Committee will meet immediately upon adjournment in Room 212.

PRESIDING OFFICER: (SENATOR HENDON)

Senate Education Committee will be meeting. The Senate will stand at ease until after the Rules Committee.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HENDON)

Madam Secretary, Messages.

SECRETARY HAWKER:

A Message from the Comptroller. Appointments to the State Mandates Board of Review.

Please be advised that I have nominated the following named persons to the State Mandates Board of Review as nonsalaried members pursuant to the State Mandates Act to serve a term ending June 30, 2005. I respectfully ask concurrence and confirmation of these appointments by your Honorable Body: Charles Scholz, nonsalaried; and Citseko Staples, nonsalaried. Very truly yours, Daniel W. Hynes, State Comptroller.

Message from the Attorney General.

Dear Members - I am nominating Diane Saltoun for appointment as the Executive Inspector General for the Office of the Illinois Attorney General. I respectfully ask concurrence in and confirmation of these appointments by your Honorable Body: Executive Inspector General - Office Illinois State Attorney General. To the office of -- Executive Inspector General for the Office of the Attorney General for a term ending June 30, 2008: Diane L. Saltoun, salaried. Very truly yours, Lisa Madigan, Attorney General.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Point of -- point of personal privilege, Mr. President.

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PRESIDING OFFICER: (SENATOR HENDON)

State your point.

SENATOR RIGHTER:

Thank you, Mr. President. I'm just rising to introduce my Page for a Day, Miss Janele Robinson. I also want to point out to the Senate that Miss Robinson was the Most Outstanding Player of this year's Babe Ruth Girls Softball World Series and played for the World Champion, Mattoon Pride. Thank you all, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Let's welcome her to the Senate, a young lady after my own heart. Get to be a Senator, you can play on our side. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator -- Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Executive Committee - Senate Resolution 645; and Be Approved for Consideration - Motion to Accept Specific Recommendations of the Governor to Senate Bill 2395, Motion to Accept Specific Recommendations of the Governor to Senate Bill 2690, Motion to Accept Specific Recommendations of the Governor to Senate Bill 2900, House Bill 734, House Bill 757, House Bill -- 867, House Bill 872, House Bill 914, House Bill 925, House Bill 911, House Bill 1007, House Bill 1068, House Bill 2577, House Bill 2749, House Bill 2751, House Bills 2753, 3641, 4241, Senate Bill 184, Senate Bills -- 1731, 1737, 2256, 2299, 2375, 2404, 2411, 2499, 2617, 3007, 3186, 3188, 3197, House Joint Resolutions 9, 54, 64, 68, 69, (Senate Joint Resolutions) 73 and 89.

PRESIDING OFFICER: (SENATOR HENDON)

There being no further business to come before the Senate, the Senate stands adjourned until the hour of 10 a.m. on Wednesday, November 10th, 2004. The Senate stands adjourned. 10 a.m.